

Exhibit 5

Copy

At an I.A.S. Term Part ____ of the
Supreme Court, held in and for the
County of Dutchess at the Supreme
Courthouse at 10 Market Street,
Poughkeepsie, NY 12601, on the
10th day of AUGUST, 2015

P R E S E N T:
HONORABLE MARIA G. ROSA, J.S.C.

-----X
WELLS FARGO BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR CARRINGTON MORTGAGE LOAN
TRUST, SERIES 2007-FRE1, ASSET-BACKED PASS-
THROUGH CERTIFICATES,

Plaintiff,

Index No.: 3344/13

-against-

ORDER

NICOLE JOHNSON, PETER JOHNSON, MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS, INC. SOLELY
AS NOMINEE FOR FREMONT INVESTMENT AND
LOAN, and JOHN DOE AND JANE DOE # 1 through #7, the
last seven (7) names being fictitious and unknown to the
plaintiff, the persons or parties intended being the tenants,
occupants, person or parties, if any, having or claiming an
interest in or lien upon the mortgaged premises described in
the Complaint,

Premises Address:
149 Wilkes Street
Beacon, New York 12508

Defendants,

-----X

UPON the Summons, Complaint and Notice of Pendency of Action all duly filed herein,
and due proof that all defendants have been duly served with said Summons and Complaint, or
have voluntarily appeared in this action, and upon the Affidavits of Service annexed to the
Motion dated January 16, 2015, the Affidavit of Yolanda Gardner dated January 16, 2015, the
Affirmation in Support of Michelle E. Tarson dated January 16, 2015 and the exhibits annexed
thereto; the Affirmation in Opposition of Summary Judgment of Holly C. Meyer dated April 21,

2015, the Affidavit in Support of Opposition for Summary Judgment of Nicole Johnson dated April 22, 2015, and the exhibits annexed thereto; the Reply Affirmation of Michelle E. Tarson dated June 11, 2015, the Supplemental Affidavit of Yolanda Gardner dated June 11, 2015 and the exhibits annexed thereto, it is hereby;

ORDERED, that plaintiff's motion for summary judgment is hereby granted; and it is further,

ORDERED, that the Verified Answer of the defendant Nicole Johnson be and the same is hereby stricken; and it is further

ORDERED, that the default in answering the Complaint of all other defendants except for those that filed a notice of appearance is confirmed; and it is further * ***At a fee of \$250.00 and \$500.00 upon sale**

ORDERED, that Todd W. Carpenter

4 Liberty Street, Poughkeepsie NY 12601 (845) 454-1919

is hereby appointed Referee to ascertain and compute the amount due* to the Plaintiff upon the note and mortgage upon which this action was brought and to examine and report whether the mortgaged premises can be sold in one parcel, and it is further;

ORDERED, that the Referee shall be paid a fee of \$250.00 to compute the amount due to the Plaintiff; it is further;

ORDERED, that by accepting this appointment, the Referee certifies that he/she is in compliance with Part 36 of the Rules of the Chief Judge (22 NYCRR Part 36), including, but not limited to, Section 36.2 C (Disqualifications of Appointment) and Section 36.2 D (Limitations on Appointments Based Upon Compensation);

ORDERED, that if required said Referee may take testimony pursuant to RPAPL 1321 and it is further;

ORDERED, that the Referee is prohibited from accepting or retaining any funds from self or paying any funds from self without compliance with Part 36 of the Rules of the Chief Administrative Judge.

Dated: August 10, 2015
Poughkeepsie, NY

S / HON. MARIA G. ROSA

HON. MARIA G. ROSA, J.S.C.